

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

	ORIGINAL DATE 1/26/07		LAST UPDATED 1/30/07		HB _____
SPONSOR	Garcia, M.J.	Appropriation to the 3rd Judicial District for			
SHORT TITLE	Children's Court Mediation Program	SB	53/aSJC		
ANALYST					C. Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
\$0	\$23.1	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of SJC Amendment

On page 1, line 17, strike “third judicial district court” and insert in lieu thereof “administrative office of the courts”.

Synopsis of Original Bill

Senate Bill 53 appropriates \$23,133 from the general fund to the third judicial district court for expenditure in FY 2008 to implement a children’s court mediation program in the third judicial district court. Any unexpended or unencumbered balance at the end of FY 08 shall revert to the general fund.

FISCAL IMPLICATIONS

The LFC and the AOC recommend that the appropriation contained in this bill be incorporated in the AOC Special Court Services operating budget. All the funds are recurring. The funds will be used to create a children's court mediation program in the third judicial district and fund network services for training and quality assurance.

SIGNIFICANT ISSUES

Since March 2000, the AOC and the New Mexico Children, Youth and Families Department (CYFD) have successfully collaborated to offer high quality mediation services to families in abuse and neglect cases. Due to lack of funding, the AOC has been unable to expand this program into the remaining three judicial districts – Third, Ninth, and Tenth. This request is part of the Children's Programs, priority 6, of the Judiciary's Unified Budget.

The mediation program is a resource for families, the CYFD, and the Judiciary that provides a non-adversarial approach to helping CYFD and the Courts work with families facing long-term issues such as substance abuse, domestic violence and mental illness to reach permanency solutions for their children. Abuse and neglect cases are mediated at the investigation, pre-legal, and legal stages as well as in cases where families are involved with both protective services and juvenile justice. A trained mediator meets with the parents, their attorneys, the guardian ad litem, youth attorney, the CYFD attorney, the social worker and other interested parties to assist them in achieving agreements regarding placement, visitation, treatment and permanency.

In addition to helping families, this collaborative program has also benefited both the AOC and CYFD, and is an example of what is possible when two state agencies combine resources. Together, we have positively affected more than 1800 families during the past six years.

PERFORMANCE IMPLICATIONS

Performance outcomes for this program include:

- conserving judicial and CYFD resources of time and money by reducing the time spent in post mediation hearings
- decreasing time for court trial delays;
- positive impact on the quality of and compliance with treatment plans;
- enhanced communication and problem solving by clarifying issues, exploring new options, and providing opportunities for collaboration;
- families feel more engaged in and comfortable with the legal process; and
- mediation facilitates a high level of agreement (81% to 96%) between families and CYFD regarding treatment plans, pleas, placement, visitation, and other related issues.

ADMINISTRATIVE IMPLICATIONS

The enactment of this bill will enable the AOC to assist the third district court to create a children's court mediation program.

OTHER SUBSTANTIVE ISSUES

The administrative office of the courts (AOC) recommends that the appropriation contained in this bill be incorporated in the AOC Special Court Services operating budget. All the funds are recurring. The funds will be used to create a children’s court mediation program in the third judicial district and fund network services for training and quality assurance.

ALTERNATIVES

Amend line 17 of SB 53 so that the funds are appropriated to the administrative office of the courts.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Families, CYFD staff and the third judicial district will not have access to the benefits of the Children’s Court mediation program that is currently available in other judicial districts. The funding for this program will ensure the opportunity for families within Dona Ana County to fully participate in decisions regarding the well-being, safety and permanency of children who are victims of abuse and neglect.

CS/mt:nt